

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHNSON & JOHNSON, a New Jersey
Corporation,

Plaintiff,

-against-

GUIDANT CORPORATION, an Indiana
Corporation, BOSTON SCIENTIFIC
CORPORATION, a Delaware Corporation,
and ABBOTT LABORATORIES, an Illinois
Corporation,

Defendants.

Civil Action No. 06 CV 7685 (GEL)

**DEFENDANT ABBOTT LABORATORIES'
NOTICE OF MOTION TO DISMISS
COMPLAINT PURSUANT TO RULE 12(b)(6)
OF THE FEDERAL RULES OF CIVIL
PROCEDURE**

Electronically Filed

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of Stephen M. Juris, the exhibits thereto, and such other pleadings or argument that the Court may receive, Defendant Abbott Laboratories will and hereby does move this Court, before the Honorable Gerard E. Lynch, at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York, for an Order dismissing with prejudice the complaint against Abbott in the above-captioned matter pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

As stated in Abbott's contemporaneous letter to the Court, Abbott respectfully requests that the Court hear oral argument on its motion to dismiss.

Dated: New York, New York
November 15, 2006

Respectfully submitted,

MORVILLO, ABRAMOWITZ, GRAND,
IASON, ANELLO & BOHRER, P.C.

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